

PATENT
Atty. Docket 203-1834 (1876)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

191/2

Applicant(s): Scott E. Manzo et al.

Examiner: D. Isabella

Serial No.: 08/816,⁶⁰¹⁵₁₆₅

Group: 3738

Filed: March 13, 1997

Docket: 203-1834 (1876)

For: **GRAFT ATTACHMENT
ASSEMBLY**

Dated: August 28, 2002 **RECEIVED**

APR 17 2008

Assistant Commissioner for Patents
Washington, D.C. 20231

OFFICE OF PETITIONS

PETITION TO REVIVE APPLICATION UNDER 37 C.F.R. §1.137(a)

SIR:

The above-identified application ("subject application") was indicated in the Notice of Abandonment, mailed February 23, 2000, to have gone abandoned because of "Applicant's failure to timely file new formal drawings as required in the Notice of Allowability." Applicant's respectfully petition to revive the subject application under 37 C.F.R. §1.137(a).

FACTS SUPPORTING PETITION

On November 9, 1999, a Notice of Allowability and a Notice of Allowance and Issue Fee Due were mailed by the Examiner in the subject application setting the issue fee due date for February 9, 1999. The Examiner also required new Formal Drawings to be filed by the February 9, 1999 due date. On February 9, 1999, Neil D. Gershon, Esq., an attorney of record by

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231 on August 28, 2002.

Dated: August 28, 2002

Christopher G. Trainor
Christopher G. Trainor

Power of Attorney filed on March 13, 1997 (copy enclosed as Exhibit A), filed the issue fee of \$1,320.00 and three sheets of Formal Drawings under separate Certificates of Mailing. The Formal Drawings were filed under a Certificate of Mailing dated February 9, 1999 (copy enclosed as Exhibit B). A return postcard, filed with the Formal Drawings, was stamped received by the U.S. Patent and Trademark Office on February 12, 1999 (copy enclosed as Exhibit C).

A Notice of Abandonment was mailed in the subject application on February 23, 2000 indicating that the application was abandoned in view of "Applicant's failure to timely file new formal drawings as required in the Notice of Allowability."

In response to the Notice of Abandonment, on March 8, 2000, Mr. Gershon filed a letter (copy enclosed as Exhibit D) outlining the facts set forth above with attached copies of relevant documents. No further response was ever received from the U.S. Patent and Trademark Office in the subject application.

In or about July of 2000, Mr. Gershon left the employment of United States Surgical Corporation ("USSC"), assignee of the subject application. Since the person most familiar with the application, Mr. Gershon, was no longer employed by USSC and all of the requirements for issuance of the application appeared to be satisfied, the application did not appear on the docket of any of the attorneys remaining at USSC and USSC failed to recognize that the U.S. Patent and Trademark Office did not respond to Mr. Gershon's letter of March 8, 2000. As such, Applicant's only realized the mistake of the U.S. Patent and Trademark Office in early August, 2002.

In light of the facts set forth above, Applicant's hereby petition for revival of the subject application under 37 C.F.R. §1.137(a). Accompanying this petition are:

- i) a copy of the Formal Drawings previously submitted on February 9, 1999 including a copy of the cover letter filed therewith; and
- ii) the petition fee as set forth in § 1.17(l).

The entire delay in filing this petition, including submission of the attached copy of Formal Drawings, from the due date for the Formal Drawings until the filing of this petition was unavoidable.

The petition fee under 37 C.F.R. §1.17(l) of \$110.00 is attached by check to this petition. Please charge any deficiency as well as any other fee(s) which may become due under 37 C.F.R. §§1.16 and/or 1.17, at any time during the pendency of this application, or credit any overpayment of such fee(s), to Deposit Account No. 50-2140. TWO (2) COPIES OF THIS SHEET ARE ENCLOSED.

Respectfully submitted,

Christopher G. Trainor

Christopher G. Trainor
Reg. No. 39,517
Attorney for Applicants

CARTER, DELUCA, FARRELL & SCHMIDT, LLP
445 Broad Hollow Road
Suite 225
Melville, New York 11747
(631) 501-5700
(631) 501-3526 (fax)

CGT:sf

EXHIBIT “B”

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OFFICE OF PETITIONS

Serial No. 08181401ocket No. 18714 Art Group 5713B ATTY: DGJ
TITLE Endotracheal tube mount Inventor/Applicant: Henry D K

Trademarks:

Patents:

- A patent application including pages
of abstract, specification and claims
 Request for Filing (FWC) (RULE 60) Application
 (Continuation) (Divisional) (CIP) (Provisional) Application
 sheets of drawing formal informal
 Declaration of POA executed unexecuted
 Assignment executed unexecuted
 Recordation Form Cover Sheet
 Application Transmittal Letter
 Amendment
 Amendment Fee Transmittal
 Petition and Fee for Extension of Time
 Information Disclosure Statement
 Submission of Formal Drawings
 PTO Form 1449 and Copies of Cited References
 Issue Fee Transmittal
 Certificate under 37 CFR (b)
 Revocation and Substitute Power of Attorney
 Completion of Filing Requirements
- JC23 33
FEB 2 1999
12 12
PATENT & TRADEMARK OFFICE
LEGAL DEPARTMENT
U.S. SURGICAL CORP.

Certificate of Mailing
 Certificate of Express Mailing
No. 20101010
Return postcard 20101010
DATE: _____